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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,062	01/04/2002	Stephen A. Milks	8416-000008	5754

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EXAMINER

GRAY, MICHAEL KUHN

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,062

Applicant(s)

MILKS, STEPHEN A.

Examiner

Michael K. GRAY

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8, 10-17 and 19 is/are rejected.
- 7) ☐ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings were filed in formal condition; however, objection is made for the reason that a dimple 140 on the rear face 40 of the air circulation device is depicted in Figure 3 and the same reference numeral "140" is used to depict a tab on the main base 140. Correction is required.

Specification

The specification should be reviewed for any possible minor errors or omissions. The specification should be amended to properly identify and define the claimed "tab" and "dimple" (claims 9 and 18) with appropriate reference numerals which have been depicted in the drawings.

Claim Objections

Claims 3 and 11 are objected to for claiming a desired result without claiming the elements which allow the device to produce an air current of equal or greater value than that produced by an air circulation device powered by a 120-volt alternating current. Further, all fans powered by a 120-volt alternating current do not produce the same air circulation or current, and it is not clear which of these devices is being referring to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hung (5,839,205).

Hung demonstrates an air circulation device having a housing having a front face portion 61, a main base portion 1 and a rear face portion 11 (Figure 1). The base portion has a motor 3 and a fan blade 41. The motor and associated motor bearings are sealed within a rigid casing (Figure 2). The motor 3 is powered by a 12-volt direct current power source as is provided by the cigarette lighter socket of an automobile.

Claims 1, 7-8, 10, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Raab et al. (5,232,090).

Raab et al. demonstrate an air circulation device having a housing assembly which includes a front face portion (front grill), a main base portion 11, 12, 13, and a back face portion (rear grill). The base portion includes a motor 15 and fan blade 14. The motor 15 is the type which inherently has a rigid casing in which the bearings are sealed. The bottom face 11 of the main base portion includes at least one elongated support member 19, 20.

The elongated support member is capable of being pivotally disposed in an extended position, a contracted position or any desired intermediary position as a result of its being mounted by a pivot pin 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raab et al.

Raab et al. demonstrate the invention claimed in claims 10 and 13.

As for claim 14, in that sealed motor casings impermeable to liquid have been known in the art, it would have been obvious to utilize a casing impermeable to fluid in the Raab et al. device to prevent motor damage and to promote longevity of the motor.

As for claim 15, in that casings made of a rigid, non-corrosive materials have long been utilized in the art, it would have been obvious to utilize a non-corrosive material in the Raab et al. device to realize longevity of the motor.

As for claim 16, it has been known in the art to make fan components of polymeric material to realize desirable weight properties at an affordable cost. Accordingly, it would have been obvious to use polymeric materials in the Raab et al. device.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung (5,839,205).

Hung demonstrates the invention claimed in claim 1.

As for claim 4, in that sealed motor casings impermeable to liquid have been known in the art, it would have been obvious to utilize a casing impermeable to fluid in the Hung device to prevent motor damage and to promote longevity of the motor.

As for claim 5, in that casing made of a rigid, non-corrosive materials have long been utilized in the art, it would have been obvious to utilize a non-corrosive material in the Hung device to realize longevity of the motor.

As for claim 6, it has been known in the art to make fan components of polymeric material to realize desirable weight properties at an affordable cost. Accordingly, it would have been obvious to use polymeric materials in the Hung device.

Claims 11-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable Raab et al. (5,232,090) in view of the 12V Windmachine by Jade Mountain provided in applicant's Information Disclosure Statement.

Raab et al. demonstrate an air circulation device having a housing assembly which includes a front face portion (front grill) , a main base portion 11, 12, 13, and a back face portion (rear grill). The base portion includes a motor 15 and fan blade 14. The motor 15 is the type which inherently has a rigid casing in which the bearings are sealed. The bottom face 11 of the main base portion includes at least one elongated support member 19, 20.

The Windmachine by Jade Mountain has a front and rear grill or face portions and has a motor and fan blades positioned in a base portion as does the Raab et al. device.

Further, the Windmachine demonstrates that a fan structure having a front face, rear face and main base portion can be of diminutive dimensions, e.g., a thickness of three inches.

The Windmachine demonstrates that it was known to utilize a direct current power source in fan devices such as Raab et al. to power a fan motor, with the dimensions of the device being able to be of diminished stature for placement in small areas. Accordingly in light of the Windmachine, it would have been obvious to adapt the Raab et al. device with a d.c. power source for purposes of powering the fan motor such that the adapted device could produce an air current under direct current which is equal or greater to that of alternating current.

Suggestions

It is suggested that the applicants include claim language which claims how the main base 30 and its side face 170 is connected to the rear face 40 and front face 20 by flanges 90 provided on the front and rear faces.

Allowable Subject Matter

Claims 9 and 18 would appear to contain allowable subject matter in that the claimed elongated support portion which is secured by a knob and a dimple would not appear to be demonstrated in the prior art. Accordingly, claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, the claimed knob and dimple should be described in the specification with respective corresponding reference numerals which are depicted in the drawings.

References

The following references are considered relevant to applicant's disclosure:

Cook (6,168,517) discloses a fan device with a motor casing 46.

Maekawa et al. (5,929,544) disclose a fan motor and casing.

Helms et al. (Des. 180, 783) disclose an electric box fan structure.

Rush (5,660,367) discloses a fan motor housing H and fan blades 8.

Litvin (6,309,192) discloses an insulated box fan.

Canon (5,099,181) discloses a DC powered cooling fan.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Gray whose telephone number is (703) 308-6196.

If the examiner does not answer the phone, a message will be provided as to when he will be in the Office. A message may be left on the examiner's voice mail.


The examiner's supervisor Timothy Thorpe can be reached at (703) 308-0102.

The examiner's fax number is (703) 746-4527.

Any inquiry of a general nature should be directed to the receptionist whose telephone number is (703) 308-0861.

/Michael K. Gray
Patent Examiner
Art Unit 3746

MKS


CHARLES G. FREAY
PRIMARY EXAMINER